

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANDRE CRAWFORD, Petitioner,	:	Case No. C1-01-014
	:	
	:	Judge Susan J. Dlott
v.	:	
	:	
JEFFREY A. WOLFE, WARDEN,	:	
Respondent.	:	

ORDER OF DISMISSAL

On June 11, 2003, this Court adopted the Report and Recommendation of the Magistrate Judge and issued a conditional writ of habeas corpus granting Petitioner's release from incarceration, unless the Ohio Court of Appeals for the First Appellate District granted leave to file a delayed appeal from the judgment of conviction and sentence in Hamilton County Court of Common Pleas Case No. B-9807305. (Doc. 12). Respondent has now filed a motion to dismiss this action (Doc. 13), following compliance with the Court's prior Order. Petitioner has not opposed this motion to dismiss.

This Court finds that Petitioner, through counsel, filed a motion for leave to file a delayed appeal in the Ohio Court of Appeals for the First Appellate District, which was granted on August 8, 2003, within this Court's sixty (60) day mandate. Additionally, this Court finds that the state appellate court has appointed counsel, provided a transcript of proceedings at State expense, and set a briefing schedule.

The conditions set forth in this Court's prior Order having been fully satisfied, it is ORDERED, ADJUDGED AND DECREED that the instant action for writ of habeas corpus is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

____s/Susan J. Dlott_____
SUSAN J. DLOTT
United States District Court Judge